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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,642	03/01/2004	Robert G. Farrell	YOR920040099US1	9768
54856	7590	08/08/2006		
LOUIS PAUL HERZBERG 3 CLOVERDALE LANE MONSEY, NY 10952			EXAMINER LEWIS, CHERYL RENE	
			ART UNIT 2167	PAPER NUMBER

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/790,642	Applicant(s) FARRELL, ROBERT G.	
	Examiner Cheryl Lewis	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-40 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 17, 20, 25, 27, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 17, 20, 25, 27, and 31 recite "related objects", "relevant objects", "learning objects", "particular objects", and "target objects". The objects are not descriptive of any particular data structure. In other words, the claim limitation comprising "related objects", "relevant objects", "learning objects", "particular objects", and "target objects" do not define or state what these particular objects represent or what these objects are.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-40 are rejected under 35 U.S.C. 102(e) as being anticipated by

Bowman et al. (Pat. No. 7,050,992 B1 filed June 25, 1999, hereinafter Bowman).

6. Regarding Claims 1, 9, 12, 17, 20, 25, 27, and 31, Bowman teaches identifying items relevant to a current query based on items accessed in connection with similar queries.

The method and associated system for identifying items relevant to a current query based on items accessed in connection with similar queries as taught or suggested by Bowman includes:

searching for a list of relevant objects and obtaining a rank-ordered list of relevant objects (col. 4, lines 1-26 and 50-67, col. 6, lines 16-67, col. 7, lines 1-67); selecting any target objects from the rank-ordered list (col. 4, lines 5-7, col. 6, lines 16-56); mapping the relevant objects in the rank-ordered list into categories (col. 7, lines 21-47); connecting the categories into paths in a graph (col. 8, lines 57-67, col. 9, lines 15-27 and 35-67, col. 10, lines 1-5), the graph having a node for each category and edges based upon category relationships (col. 5, lines 45-62); terminating a graph traversal of categories based upon reaching category nodes having at least one target object if there is a target object (col. 9, lines 28-67, col. 10, lines 1-34), and if there is no target object then terminating said graph traversal within a proximity in the graph near the most relevant category (col. 9, lines 28-67, col. 10, lines 1-34); choosing a best path

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in the graph based upon a path evaluation criterion (col. 8, lines 57-67, col. 9, lines 15-27 and 35-67, col. 10, lines 1-5); selecting particular objects in categories on the best path based upon an object selection criterion (col. 8, lines 57-67, col. 9, lines 15-27 and 35-67, col. 10, lines 1-5); choosing a best path in the graph based upon a path evaluation criterion (col. 8, lines 35-67, col. 9, lines 1-67); selecting particular objects in categories on the best path based upon an object selection criterion (col. 4, lines 5-7, col. 6, lines 16-56); sorting the particular objects on the best path according to a comparison function (col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67, col. 9, lines 1-67); and obtaining an ordered set of objects to satisfy the query (Abstract, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67).

7. Regarding Claim 2, Bowman teaches objects are linked (Abstract, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67).

8. Regarding Claim 3, Bowman teaches objects are documents (Abstract, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67).

9. Regarding Claim 4, Bowman teaches satisfy a user query (Abstract, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67).

10. Regarding Claim 5, Bowman teaches a relevance score (Abstract, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67).

11. Regarding Claim 6, Bowman teaches a repository (Abstract, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67).

12. Regarding Claims 7, 10, Bowman teaches a category (Abstract, col. 4, lines 1-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67).

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13. Regarding Claims 13-16, 18, 19, 21-24, 26, 28-30, 32-40, the limitations of these claims have been noted in the above rejections. They are therefore rejected as set forth above.

#### **NAME OF CONTACT**

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

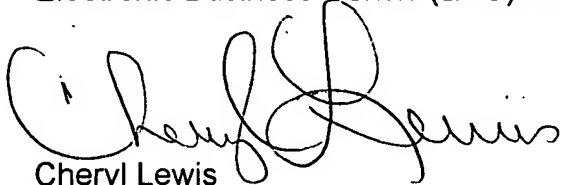
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Cheryl Lewis". The signature is stylized with large, flowing loops and a long horizontal stroke at the end.

Cheryl Lewis  
Patent Examiner  
August 7, 2006